

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ASTELLAS INSTITUTE FOR REGENERATIVE
MEDICINE,

Plaintiff,

v.

IMSTEM BIOTECHNOLOGY, INC., XIAOFANG
WANG, and REN-HE XU,

Defendants.

C.A. NO. 1:17-cv-12239-ADB

**MOTION FOR ENTRY OF PROPOSED JUDGMENT AND FOR ADDITIONAL
FINDINGS AND CONCLUSIONS CONCERNING 93A**

Pursuant to Federal Rules of Civil Procedure 58(b)(2), 58(d), and 52(b), Plaintiff Astellas Institute for Regenerative Medicine (“Astellas”) hereby respectfully moves for entry of final judgment against Defendants ImStem Biotechnology, Inc., Xiaofang Wang, and Ren-He Xu and for additional findings and conclusions concerning Astellas’ Chapter 93A claim. As grounds therefor, Astellas relies on its memorandum in support filed concurrently herewith. Attached as Exhibit A hereto is Astellas’ Proposed Final Judgment, which Astellas believes fully and fairly adjudicates the parties’ claims in conformity with the Court’s Findings of Fact and Conclusions of Law, entered February 5, 2021, as explained in the accompanying memorandum.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Astellas requests that the Court hold a hearing on this motion, as Astellas believes oral argument may assist the Court.

Dated: April 21, 2021

Respectfully submitted,

/s/ David P. Frazier

Charles H. Sanders (BBO# 646740)
LATHAM & WATKINS LLP
John Hancock Tower, 27th Floor
200 Clarendon Street
Boston, MA 02116
Telephone: (617) 948-6022
Facsimile: (617) 948-6001
charles.sanders@lw.com

Michael A. Morin (pro hac vice)
David P. Frazier (pro hac vice)
Rebecca L. Rabenstein (pro hac vice)
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004
Telephone: (202) 637-2200
Facsimile: (202) 637-2201
michael.morin@lw.com
david.frazier@lw.com
rebecca.rabenstein@lw.com

Brenda L. Danek (pro hac vice)
LATHAM & WATKINS LLP
330 North Wabash Avenue, Suite 2800
Chicago, IL 60611
Telephone: (312) 876-7700
Facsimile: (312) 993-9767
brenda.danek@lw.com

Yi Sun (pro hac vice)
LATHAM & WATKINS LLP
12670 High Bluff Drive
San Diego, CA 92130
Telephone: (858) 523-5400
Facsimile: (858) 523-5450
yi.sun@lw.com

Counsel for Plaintiff

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), I hereby certify that counsel for Plaintiff has conferred with counsel for Defendants in a good faith effort to resolve or narrow the issues presented in this motion. Defendants oppose the motion.

/s/ David P. Frazier
David P. Frazier

CERTIFICATE OF SERVICE

I hereby certify that this document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent on April 21, 2021 to those identified as non-registered participants.

/s/ David P. Frazier
David P. Frazier